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# THE FUTURE OF THE COUNTRY.

BY A PATRIOT.

*By AlSkroger*

*Published 1864*

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# THE FUTURE OF THE COUNTRY.

BY A PATRIOT.

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# THE FUTURE OF THE COUNTRY.

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## INTRODUCTION.

### THE STANDPOINT OF THE PARTY OF PROGRESS.

WE are but too well aware that human knowledge can never, by the very laws of its nature, penetrate the mist that surrounds future events. Not that the "what will be," as far as it is to become the reality of a moral ideal, is beyond the vision of the human mind, but because between it and its ultimate realization there ever enters that wizard phantom, Time, with its disappointments, postponements, and consequent crushing of hopes. The idealist, who perceives the perfection of man as a certain fact of the future, is no idle dreamer, or cheating prophet; his vision of a state of full happiness and general development of the human race will at one time be most certainly a reality; but on the When? on the question of years, of centuries, within which this idea will be realized, all his calculations shatter and become idle speculations; and we laugh at his Utopia, because six or seven thousand years have failed to realize it. That all-powerful, all-loving God, who created man, not a perfect being, the slave of preordained goodness and happiness, but in that grand state of imperfection, with merely the faculties and the choice to work his perfection, which placed him in possession of God's greatest gift—Liberty; Him we may safely trust, that this Liberty is no illusion, but that it will finally work into this world the representation of that divine spirit, from which it emanates.

It has already become general to speak of the events of this world as being governed by moral laws in superiority over natural laws; and though not all who use this phrase may be aware of its full scope, or place more than a passing faith in it, people are nevertheless becoming accustomed to the thought, that the laws of

nature are but the servants of the great moral principle, (its visibility,) to which this world owes its existence and its importance ; and that, while these laws are perishable and changeable, the moral law alone remains eternally, ever and ever the same. It is man's province to subdue nature, to conquer it, to destroy the natural world and raise up a new moral world. The dead mass of matter, which we call nature, is but the material on which to build up, and with which to make visible the moral ideal we carry within us. To do this is our duty ; to recognize it as our duty and to live in it, is the emancipation of man from the slavery of nature ; the great act which makes him really free.

And it is but a necessary part and parcel of this faith, to believe that each of our actions, no matter what its *immediate* results may be, carries within it the germ of ultimate effectiveness and realization. No idea, once pronounced, remains without effect, however apparently slight ; ever and ever again it is taken up, transplanted, watered and fed by the idealists of successive generations, until finally it branches out into a wonderful tree, from the fruits of which all the nations of the world gather strength, and thus becomes a practical reality. If it were not for this, the Gospel would never have been preached ; nor would countless dreamers have worked for the chimera of a united Italy until a Garibaldi gave it reality ; nor would Poland now be shedding tears, fiery and volcanic as those that fall from the sky of an American November meteor night, and merely for a rebellion, which its leaders confess is almost hopeless for the generation engaged in it, but necessary as a sign to the future to persist in the work till it shall be accomplished. And hence there appear to the superficial glance many failures in history, which, read by the light of this view, are not failures at all, but the incipient germs of great future events, pronounced for the first time ; planted, but not yet ripened. Men felt a voice within them bid them do an action, which they did ; and the action was either buried under neglect, or successfully overthrown in moral or physical battle ; and posterity cried out on a failure. Thus in modern times the French revolutions, the former Polish insurrections, the attempts to form a united Germany, etc. But each such failure is pregnant with future success, as sure as it rests on justice and right ; while the success of the unjust and the wrong is no less sure to result in ultimate ruin. The world—the short-sighted world of practical men—may laugh at a Garibaldi's sublime letter to the English people, but his dream of peace

and harmony amongst the liberated people of Europe, and of a glorious brotherhood of nations is far more real, ay, and far more practical, than the crazy system of the present, which is rotten to the core, unjust, oppressive, and impractical, and which is only an appearance of the true light that is to come, a huge mountain of manure, from which the tree of true humanity is just shooting up; an eastern cloud, on which, in spite of its darkness, the brilliant sun of coming perfection must need cast some rays.

It is on these grounds that we can assuredly tell something of the "What will be;" the working of moral laws is readable where the writing of natural phenomena becomes enveloped in obscurity; and the "What ought to be," which our conscience demands of us to realize, as far as it is within our power, is but the foreknowledge of what will be realized in the future.

It is the business of the chosen rulers of the people, of the practical statesmen, to form a clear perception of this ultimate condition of the human race; to understand what peculiar position in it is allotted to their nation's, (or, in other words, what a nation's manifest destiny is,) and thereupon, taking into careful consideration the circumstances of the present, and the mental and moral position of a people, to realize so much of it as is compatible with those present circumstances. Each moment of the present should be impregnated with germs of future perfection; but care should be taken, at the same time, not to retard the great work of progress by reforms for which the present is not yet ripe. We may add, that the manifest destiny of the American people, at the present moment, is to realize the total abolition of slavery.

It is from this point of view, thus imperfectly traced out, that we propose to consider: The defects of our present condition and the reforms necessary to bring about a better future. We shall do so first in respect to the

#### Violated Rights of the People as Republican Citizens.

The writer is one of those who have ever believed, and do still believe, that the fundamental framework of this Union, the Constitution of the United States, is the greatest masterpiece of statesmanship that has ever emanated from human mind. It is the political gospel of the nations of the world. The experiences of the present war, as well as our whole past history, have but confirmed this view. Especially have they strengthened the convic-

tion that no other form of government is so preëminently capable of being applied to every condition of nations. This system of a number of republican States joined together in a Federal Union, each State, to a certain extent, an independent body, but upheld by the gravitating power of the General Government, a system that almost seems to have been borrowed from the heavenly planets, seems indeed to comprehend the perfection of republican government, nor is any other system, for centuries to come, likely to prove so effective in securing the rights and liberties of individual citizens and of State communities as well as the independence of them all. Containing within itself its own mode of amendment, each transgression of its provisions is an enormous crime; each rebellion against it an unjustifiable outrage; nor can any republican government continue to exist, if the right of armed revolution is admitted. To dissolve a republican form of government, there can only be one mode: that of a national convention elected for that especial purpose, and the vote of the nation at large upon the acts of such a convention.

It has of late become usual to question the perfection of our Constitution, and to assert that its framers had totally overlooked the possibility of war, of civil insurrections, or State secessions. We can find no just grounds for such an assumption, when the Constitution itself provides for all such contingencies, and confers all the powers necessary to remedy them. While it seems in itself preposterous to believe that the wise patriots who prepared this immortal document, with the crash of battle and the tumult of a rebellion still ringing in their ears, should never have thought of war and insurrection, in the midst of their careful and well-considered labors, it is equally absurd to characterize a rebellion, like the one we are now engaged in, as one which could not possibly have been foreseen.

The Constitution was evidently intended to form a perpetual union between the States adopting it, which no power but the original power of the people, expressed through a convention, could ever override. It provided that amendments to it should be valid whenever ratified by three fourths of the States; thus distinctly asserting that the remaining fourth should be compelled to obey the action of the majority, of the three fourths, whatever the minority might otherwise be made to suffer by those amendments.\*

\* "Provided, that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

It recognized the danger of insurrection at large against the general Government as distinct from domestic violence in the several States; in the first case giving *Congress* power to call forth the militia to suppress it and to execute the laws; in the other case instructing "the United States," that is, the Executive, to furnish protection to every State in the Union, "on the application of the Legislature, or of the Executive, (when the Legislature can not be convened.)"

Secession, therefore, being impossible without, and in fact constituting in itself insurrection, must be suppressed by Congress; and for this purpose Congress has received authority "to provide for calling forth the militia; to raise and support armies; to provide and maintain a navy; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers"—of executing the laws of the Union, suppressing insurrections, repelling invasions, etc., and for carrying into execution "all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Always provided, that none of these laws, which Congress may make for these purposes, shall carry into effect powers which are especially prohibited to Congress. These prohibited powers—and it should be observed that they were evidently inserted for the very purpose of protecting the children and property of possible rebels and traitors—are: "No bill of attainder or *ex post facto* law shall be passed;" "No attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted." And again, though with other purposes in view besides: "*Congress* shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances."

It may be noticed in passing, and to correct a wrong impression generally current, that this clause merely prohibits *Congress* from passing laws infringing on these rights, but that this prohibition does not extend to States; hence the liberty of the press and the freedom of speech are not, as is generally supposed, constitutional rights, but rights which each State may guarantee in full, or limit to such an extent as is compatible with "a republican form of government." (Sec. iv. Art. iv.) Hence State constitutions always contain bills of rights, to which the people owe their rights and liberties.

And now, weighing these paltry prohibitions against the full and unlimited power of Congress to suppress insurrections, we ask: Is not that power sufficient? Could Congress exercise any more authority without endangering the whole fabric of the government, and infringing on what ought to be the inalienable rights of citizens? Congress has full power to "raise and support armies, provide and maintain a navy, make rules for the government and regulation of the land and naval forces, provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and finally, to make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officers thereof"—amongst which latter powers are those vested in the President to "preserve, protect, and defend the Constitution of the United States."

When such a multitude of vast powers are conferred upon the United States Government, powers which permit it to place all the militia, all the United States armies and the navy under the control of the President, as commander-in-chief, for the purpose of suppressing insurrections against the Government, wherever they may have arisen, and when, hence, the President may make war upon and extend martial law over any insurrectionary district, disarm all citizens, declare free all the slaves, levy contributions, and seize all necessary property; this should certainly be sufficient, and all addition to these necessary powers should be considered as the sure prelude to tyranny.

And yet a new set of party philosophers has sprung up, to whom all this is not enough, and who hasten with uplifted hands to offer their rights and liberties as an additional sacrifice on the altar of the country. We can not join this throng. We can not share this insane exaltation of patriotism. As Christianity sternly refuses that self-assassination in which heathen gods delight, so pure and genuine patriotism refuses to accept one drop of inborn rights and liberties as a sacrifice. It is impiety, sacrilege; and it is worse, since it works corruption of blood, and exposes our children and children's children to the danger of tyranny and despotism. Under the delusive teaching of this misguided sect, the people of America have lost more than the millions which the war will cost, and the hundreds of thousands of their sons; they have allowed the virginity of the republic to be violated. Under the influence of

these delusive doctrines the people have permitted Government, in non-insurrectionary districts, where no martial law had been declared, to incarcerate citizens on mere suspicion; to tear husbands from their wives, and brothers from their sisters; to infringe on the rights of the press, and prohibit the exercise of free speech. Under this melancholy delusion, the people have applauded at the commission of the greatest known crimes—crimes against the liberty of unconvicted citizens!

It is folly to assert, that the prohibition to infringe on those rights was meant only for times of peace, and that in times of war the United States Government can cancel that prohibition at its own convenience. The United States would never think of infringing on these rights in time of peace; there would be no necessity, no pretext for it; those clauses were evidently inserted to secure citizens in time of public turbulence, of rebellion or war. They were inserted to guarantee the liberties of citizens of the State of New-York, if a local insurrection in South-Carolina should make their suspension there by State authority—or, in case of a State rebellion, by martial law—necessary and expedient. If the United States Government had not been prohibited from violating these rights, the government could have abrogated Free Speech, a Free Press, and the Right of Petition over all the territory of the Union, because a local disturbance had made martial law necessary in the State of Florida.

Of the many dangers of demoralization, with which a war in a republican country is fraught, none is so imminent and disastrous as the tendency to centralization, which it inspires. It has grown common, alas! and almost a test of loyalty to speak favorably of a “strong government.” The madmen of the French Revolution of 1793-4, and the despots of the Napoleon school are regarded with a sort of veneration, as the representatives of a proper “strong government!” Why can not people remember the terrible results in history! Nothing is so sure to destroy the liberties of the people, and to make men forget that each fellow-citizen is equally free and entitled to the same share of protection, as the centralization of power in the hands of one Executive, or one Congress. When citizens are found willing to see the rights of their fellow-citizens—though they entertain utterly opposite views—trampled upon, when Republicans clamor for lawless military proceedings against Democrats, and trust no longer to the force of their arguments; then the foundation of a republi-

can form of government is shattered, and a purifying ordeal is necessary to make the people capable of understanding the duties of republican citizens! A number of those, who venerate strong governments, point to the European governments as models, or, if foreigners, forget themselves so far as to say: You Americans do not understand the powers of a government yet; you have to learn this, and what it is to be in a state of war! These people do not recollect, that they have always denounced and still denounce the European governments on account of their strength and arbitrary centralized power, and that this republic had no greater glory to boast of than that, even in times of war and insurrection the liberties of peaceable citizens must remain respected. What was then a glory is thus made a reproach now, and a detested form of government is held up now for imitation. Other philosophers ascribe this republican esteem of personal liberty as an out-growth of that predominant individuality, which distinguishes the British and American people, and demand that this too luxuriant growth of individualism should be submerged in what they term the idea of "the State." That is to say, persons should cease to be so much individuals, and should become more State-citizens, members of a commonwealth. And, hence, they argue, the State, or the government, representing thus, at all times, the citizens at large, the liberty, right or inclination of one individual ought always to be at the disposal of the government for the general benefit. Without entering further upon this quixotic proposition, we merely content ourselves with remarking, that the welfare and safety of the whole is invariably best promoted by strictly maintaining the rights and liberties of each individual; whenever it appears otherwise, the appearance is erroneous. No injustice, no wrong, however small, should ever be committed to obtain a large amount of good. The end does not sanctify the means; but honesty is the best policy.

So sacred is individual liberty to us, that we can not consider conscription a republican measure. The Constitution seems to permit it, in giving Congress power to raise and support armies independently of calling forth the militia of the States. But it seems impossible to reconcile it with that idea of a republican government, the basis of which was to be individual liberty, which our forefathers conceived. But there is another reason. The people at large certainly do not abdicate the right to govern their national affairs after each presidential election. On the

contrary, they continue to direct and guide it by Congressional and Senatorial elections, by free speech, a free press and the right of petition for redress of grievances. These directions are, however, necessarily vague, not always effective, often without result at all. In no possible condition can the people feel it more their duty to pronounce their opinions on national affairs clearly and unmistakably than in times of war. But they abdicate the possibility to make their opinions respected, if they admit conscription. That silences the people. Unless they wish to revolt, they can not compel the administration to a change of policy. They must support the government and seem to support every action of it. Upon this ground conscription should never be tolerated, and volunteer enlistments alone be depended on for saving the country. It is quite true, that Congress can refuse appropriations for the war, but in times of public disturbance, when every thing depends on the proper use of time, and when a few months may decide the fate of a nation, the influence of the people should be as direct as possible upon the Executive power. If a government could procure no volunteers, it would be a sure sign that the people did not approve the policy of the government; and, hence, a change would become necessary. Thus it can not be doubted, that if President Lincoln had at the proper moment removed General Halleck and other pro-slavery generals, whose relations to the rebellious States were more than suspected, and had given Generals Fremont, Sigel, etc., authority to raise volunteers, appealing to the people at the same time in favor of universal emancipation and liberty, the draft would have been unnecessary, and sufficient volunteers would have been enlisted. A change of the Cabinet on a liberal basis would probably have produced a similar result. This at least may be gathered from the general tone of the loyal press, the numerous mass-meetings of loyal citizens, and a knowledge of human nature. If, however, the people should have been totally unwilling to continue the war, to furnish men and means for its further prosecution, the progressive party could have had no other choice than to submit to a separation, awaiting a better time and more favorable opportunities for the realization of their liberal ideas. For, above all things, liberty and the rule of the majority should be upheld in a republic. Better sacrifice the immediate attainment of your liberal projects than to accomplish them at the expense of liberty and justice. The good can not be forced, but must be obtained

by reason. Arbitrary action for the purpose of accomplishing ever so pure desires is a crime, a bad means to attain a good end, which only Jesuits advocate in theory. It is, besides, a two-edged sword which may at any moment be turned quite as well against the people.

By the light of these reflections it must be considered one of the greatest public calamities, that the wise and comprehensive Constitution of our fathers has become to be viewed as an obsolete, worn-out document, and that the minds of a large number of citizens have lost their old republican chastity. The basis of our republican institutions has thus been undermined, and unless a healthy reaction takes place soon, innumerable disasters must follow. We must especially condemn the Administration, which has accustomed the people to these ideas of a despotical government, by violating their rights and liberties under circumstances which formed no adequate pretext.\* The arrest of Northern citizens of States not under martial law and in insurrection, has never been proved to have been at the time the *only* means of saving the Republic, and protecting the rights of the people; and while the people indorsed the war as unmistakably by volunteering as if they had been called to vote on the subject, the exercise of arbitrary power in the arrest of unconvicted citizens—where civil courts existed to take cognizance of any offense, acknowledged by law—was unmistakably repudiated by the people in the elections immediately following these first acts of despotism, as well as in speeches, papers, public meetings, and other outlets of public opinion.

Nor can we refrain from condemning the Administration for its

\* For we do not intend to deny that circumstances may arise where a violation of law is necessary to maintain law. When the President, for instance, issued his order for volunteers, before Congress had given him authority to do so, he exceeded his constitutional powers, and became a violator of the law; but that was one of those exceptional cases which occur at times when the letter of the law, or logical deductions of legal provisions are set aside in obedience to a higher impulse, or to conscience, bidding man do what is right even if it is not law. Even in private life moral law may thus override civil law and the requirements of the statutes, and may force a conscientious citizen rather to submit to the penalty attached by the State to the breaking of a certain law, than violate his conscience by conforming to it. In the case alluded to, President Lincoln preferred to do his duty to obeying the logic of legal interpretation, and submit his violation of the law to the tribunal of Congress; while Mr. Buchanan invariably pursued the contrary course, and has been cursed by the people accordingly.

continued resistance to the expressed wishes of the people on other questions. Generals Halleck, McClellan, and Buell were retained in command of the most important departments, to the infinite loss of men and means, and at the risk of total defeat, at a time when the united voice of the loyal people demanded in the strongest possible peaceable manner their immediate removal; while General Fremont, in whom the people of the whole country reposed and expressed a confidence, which no other General has ever since been able to inspire, was disgracefully torn from a victoriously advancing army, most ardently devoted to him, and amidst the profound grief and sorrow of the nation. When it is remembered that the ancient republics have accumulated their highest glory in war, and that the people have always evinced a profound and almost superhuman instinct for discovering the proper *military* leaders in perilous times, the cold and almost disdainful neglect with which the President and his Cabinet have treated the military advice of the people, amounts to almost a crime. This neglect and disregard has been exemplified in many other ways. When the people at first offered hundreds of thousands of men, the Government refused to accept them; the Germans of St. Louis had to beg and sue before they were permitted to organize as home guards and save Missouri; the people continued to offer cavalry, while Government as foolishly and persistently refused to receive any; the offers of the people of East-Tennessee were spurned with contempt, and their hand, stretched out to seize the ship of the Union and cling to its planks for safety, were remorselessly cut off. And yet that noble State knelt with its bloody arm to beg on its knees for permission to be loyal, and for arms. The treatment of Missouri has become notorious. In the selection of commanders for the department of which it formed the principal part, the will of the people of that State has been constantly disregarded, and with an unexplainable persistency, while in matters of military policy, the treatment of rebellious citizens, etc., the course of the Administration has been such as to force almost the united loyal people of Missouri into open opposition to the Administration.

This is a republic, and a democratic republic. The people are the rulers, and the will of the people should always govern, whether the people are right or wrong. We insist on this rule of the people as the primary principle, the corner-stone, which must be upheld at any cost. We are perfectly willing to submit our best

views, our most cherished plans and ideas, to the judgment of the people, and to acquiesce if the majority of the people adopt the very reverse; but on that very account, too, we must insist that the will of the majority be carried out, when they indorse those views and ideas. This republican spirit has been thoroughly disregarded by the Administration, in spite of the most effective demonstrations, and this is a crime which a free people can never forgive. True, the people bear a large portion of this censure, because they tolerated this disregard and failed to protest against it in a manner to make their protest listened to. And they had accustomed themselves in former times to be thus trampled upon, by caring too little for the political affairs of the country, by leaving the direction of polities to the exclusive management of professional politicians and wire-pullers, and forgetting their duties as citizens at the time of primary and public elections. But the crime of the Administration is not lessened because the people had committed faults and failed to reprove it.

At the very outset of this rebellion the Administration, instead of following the directions of the loyal people of the loyal States, allowed itself persistently to be controlled by the minority of half rebellious Border States. An immense solicitude was evinced lest one superfluous drop of "fraternal" traitors' blood be shed, and a tittle of the constitutional rights of rebels be wiped away, while the blood and the rights of the loyal citizens were freely drawn upon, to prosecute a system of war and a policy which the majority of the loyal people condemned, and while the blood of the best patriots was freely shed by those very rebels whom the bloody humanity of our Government would not exterminate. While the united voice of the country cried, "Energy, where the rebellion is! military extermination! down with the traitors and rebels!" the Government at Washington persistently held back, instead of being in advance of the people, or at least following them closely. Energy was only displayed in arresting a few "copperhead" street-talkers, and the country was brought to the brink of ruin, because the President cherished an affection for Halleck, McClellan, and Buell.

Thus the people had to push, and to push, and to push, merely to move the Washington Government a little ahead, while all their energy was required by thousands of other sacrifices, disasters, and political problems. Was it a wonder if they finally became dispirited and furnished no more volunteers? When the first

words of enthusiasm rolled from Fremont's lips over the country, in that memorable proclamation which announced "The slaves of rebels shall be *free men*," a million of echoes took up the long-awaited words and shouted them again, till the Northern States appeared almost purified from a long tolerated immoral sentiment. But did the Washington Government heed the voice of the people? A few of the Border State conservatives outweighed all the unflinching patriotism of the loyal States, and a damper was thrown upon public feeling which even Abraham Lincoln's Emancipation Proclamation, the ineffective echo of Fremont's trumpet, was unable to remove.

It has thus been shown, though a much greater force of argument might have been brought to bear upon the subject, that these violations of republican rights and principles, and excesses of constitutional power, have not only been a public calamity at the time when they were exercised, but that they continue to operate most disastrously upon the public mind. The poison has not only called forth violent distempers at the time of its administration, but continues to spread the germ of decay over every part of the political body. It has been confessed that the people themselves deserve great censure for permitting these violations, for offering no protest to the many encroachments upon their republican liberties, but rather offering them up at the altar of an excessive patriotism in a spirit of condemnable self-sacrifice. In regard to the first, it is absolutely necessary, for the purpose of avoiding precedents and of conforming to that moral law which permits no man to see his fellow-man abused without offering some sort of remonstrance or protest, that the Administration which committed or allowed these outrages should receive a united and earnest rebuke from the people. To make this rebuke effective, there is only one legitimate way, which will also appeal strongest to history and be a warning to future generations—by means of a party organization on the distinct enumerated grounds of these complaints: No high officials, and especially no President, should be elected at the next election who do not pledge themselves solemnly in behalf of these violated rights. Whether the present President should be impeached for usurping despotic power is justly questionable, as he may have acted, and presumptively has, in obedience to his views of fairness, and actuated solely by a sincere regard for the maintenance of the Union; but a resolution by Congress disapproving these his despotic actions, might not be too severe an

additional punishment and memento to posterity. The Cabinet officers, however, who have usurped unwarranted power on their own responsibility, and military officers who have disregarded the provisions of the Army Regulations in favor of the liberties of subordinates, should be visited with the extreme rigor of the law.

As far as the second point is concerned, it should hereafter become the especial object of every patriot and well-meaning citizen, who has the interest of the Republic at heart, to caution his fellow-citizens against ever again surrendering their inalienable rights, though it be but for a limited time. Let us permit individual liberty in every case: whether our fellow-citizens choose to hasten to the succor of the country or to stay at home in chilling indifference! Seek to infuse a better republican spirit into the people! Tell them they must attend more to political affairs, and that our past disasters have been produced not by too active but by too passive a political spirit in the people! Induce the people to take the primary elections in their own hands, and not to leave their control to wire-pullers and professional politicians. Infuse the spirit into the people that they themselves are the rulers of the Republic and the shapers of its destiny; that the people understand governing much better than statesmen, (this is the fundamental, but too often forgotten and silently ridiculed, yet true and holy basis of all republican governments;) that their statesmen and officials are but servants of the people, and that, in times of war and trouble even more than in periods of peace and tranquillity, it is the duty of the people to come together in mass meetings, consult upon public affairs, and instruct their servants as to what they should do. No official who has ever disobeyed the instructions of the majority of his constituents, should again be intrusted with office. The people should be terribly jealous of their sovereign rights, and neither the Governor of a State nor the President of the United States, should ever be allowed with impunity to infringe upon this sovereignty!

### The Negro Question.

Not of less momentous national importance, and incomparably more difficult of a solution as equally a political and a social problem, another and the most peculiar characteristic of our crisis presents itself in the race and slavery or the negro-question. Without considering the Border States as a distinct cluster of States, we find the rebellion existing in all the slave States and in none but slave States.

(We may as well premise here, that, as we view the matter, these States have not merely rebelled as a part of the people of the United States, but also as States of the Union, through their legally elected governments, and without meeting with any armed resistance from any loyal minority or portion of citizens. We can not, however, conclude from this, that this State rebellion has annihilated the State, any more than Schleswig Holstein was annihilated by the rebellion against Denmark. This annihilation of the State, as a State, is only possible with the consent of the inhabitants. But this rebellion may, and undoubtedly does annihilate all existing State governments, as composed of rebels, (active or passive rebels,) and so place the territory of the State temporarily under military rule.)

The United States Government, perceiving, therefore, that the rebellion had its cause and support in slavery, was induced, by military as well as political considerations, to declare all the slaves free men. The proclamation, by which this declaration was made law, was issued by the President as Commander-in-Chief, and in no other capacity, but on that very ground is valid and must remain valid forever as a military measure, properly executed by the chief commander. If it had been issued in violation of the Constitution, martial law could give it no validity, nor should it have been attempted under such circumstances, since the Constitution was framed for all possible contingencies. But the Constitution does not acknowledge the right of slavery, much less does it protect it and declare it beyond congressional power as it does free speech and a free press, but least of all does it exempt the slaveholder's right from being abolished as the punishment of his treason, as it exempts the traitor's right to leave his property to his children after his death. The same right, which intrusts the President with the power to suppress insurrections, etc., and thus to kill rebels without trial by jury,\* gives him and the military power at large the authority to liberate all the slaves. And as the killed can not be called to life again, so can not the slaves, once declared free, reenter slavery. Slavery has no support in the Constitution whatever; the very name was odious to the framers of that document, and was not once pronounced; the only two clauses relating to the subject give no support to slavery, but grant exceptional favors to slave States; and their very word-

\* Indirectly. For the object of war is not to kill, but to disarm the soldiers, possess the territory, and make a return of war impossible.

ing, position and structure show that they were meant to be exceptional, and temporary, and favoring. The clause in regard to the delivery of fugitive slaves, is framed so as to be equally applicable to any fugitive servants, and may properly remain in the Constitution after slavery has been abolished for centuries. The clause in regard to congressional representation has become obsolete—except as far as the Indians not taxed are concerned—like some other provisions which were meant to be only temporary. The clause in relation to the slave-trade, for instance, has become obsolete in this way long ago, and the very circumstance that the repeal of this third clause in relation to slavery was foreseen and mentioned in another part of the Constitution, confirms, at least, the supposition that the repeal of the other two clauses was also foreseen. But whatever the views of our forefathers were in that respect, it can not be denied that the abolition of slavery by United States military and martial law is not against the Constitution of the United States, that slavery is not protected by the Constitution in times of war from the exercise of military power as the rights of free speech, etc., are; nor do even any of the State Constitutions of the rebellious States pretend to guarantee slavery against the power of martial law. No State now in rebellion even protects slavery in its own State against martial law within the State declared by the Governor. *In South-Carolina or Louisiana, the Governor might, at the time of secession, have extended martial law over the whole State, declared all slaves free, armed them, and by their aid won back the State, without violating a tittle of her pro-slavery State Constitution.*

It is folly to speak about the validity of the proclamation ceasing when the States in question return to allegiance by the official act of the people. The slaves *are* declared free; and as no State has the power to annul an act of the General Government, so the proclamation can not be annulled by any act of the State, which may be passed. The former State Constitution and State laws resume, of course, their former standing, but as far as they relate to slavery, their provisions have become obsolete by the proclamation. Nor can any decision of the Supreme Court properly reenslave the liberated negroes, though it perhaps might pronounce the former slaveholders entitled to a pecuniary indemnity; the boon of liberty extended to the negroes is binding forever, and can be annulled by no power; no more than a law could be

repealed or declared invalid by the courts, which should invest all foreign-born citizens, who have partaken in this war, with the full rights of American citizenship. Hence, slavery has a legal existence only in the Border States, to which the President's proclamation does not apply. But to prevent force, intrigue, and injustice from ever finding the least pretext to place the shackles again on human beings, Congress should make provision, first: to provide for keeping the rebellious States under military rule, until every slave has been set free, under the law of the land, and until peace has been made secure for the future; secondly, to declare slavery solemnly forever abolished in America—all slaves free! No matter whether belonging to loyal or disloyal citizens! Freedom for all men, whether black, or yellow, or red, or white! This must be accomplished at any cost; unless this is attained, all our efforts in procuring peace are rendered abortive and ridiculous. Nothing less can satisfy a purified people, can restore a Union, can do justice to all. Freedom for every one! These must be the thunder-words, clad in language grand and simple, like that of the Declaration of Independence, which shall kindle a new spirit in the American people, and prepare them for those measures of reform in their several States, which the progress of the present and the future will demand of them. Slavery must hereafter be hated, despised. It must be recognized as a crime in itself, which no circumstances can alleviate. It must be understood that every slave has, and always had, the moral right to secure his liberty by any act, even by murder, which will secure him that right, as every oppressed people have a right to murder their tyrants and oppressors. Freedom is God's greatest gift. It is the light and bliss of life; it itself is life. If God gave man even liberty to do evil—so as to give him that boon full, complete, and unconditional—how can man interfere with the liberty of his fellow-being, except in so far as an organized community agrees to punish such wicked interference?

Moreover, the Constitution of the United States throws no protecting shield over this wickedness. Congress has full power to abrogate the institution, whenever "the general welfare" of the country may demand it.\* The welfare, the safety, the future of

\* Congress has the power: "To make all laws which shall be necessary for carrying into execution the foregoing powers," (suppressing insurrections, amongst others,) "and all other powers, vested by this Constitution in the Government of the United States, or in any department or officer thereof."

the country now require it. Slavery must go down and freedom arise. No Border State clamors must be permitted to silence this cry. It is the indispensable reform, which must be accomplished immediately. Postponement is death! It is reäction. It is the galvanization of a putrid corpse, to arise once more and stretch out its withered limbs, and then to fall back again into everlasting death. But then the question arises: What shall become of the negroes?

Various answers have been proposed. Let us first see what is impracticable, or altogether out of the question, and thus narrow down the field of speculation. It has been suggested that all the colored people, emancipated by this war, be exported to and colonized in some foreign country. This project appears to be so palpably suicidal to the country at large, and so thoroughly ruinous to the Southern States, that it seems superfluous to object to it on moral or legal grounds. When the slaves are once liberated, a healthy public opinion must and will regard them as a class of citizens, wronged and outraged for a countless number of years, to whom reparation is not only due, but a duty. To increase the guilt of the nation still further, by exiling these four millions of unfortunate men from a country, which they have not selected by their own free will, and which has been forced upon them as their home, would be quite as great an outrage as the first crime which brought them to these shores. Setting aside, however, this argument—how can this country afford to lose a population of laborers, numbering over four millions—laborers, too, peculiarly adapted to the labor required in the Southern States—without plunging at once into the deepest gulf of political and financial ruin? We will grant, that the Northern States have already learned, within the short space of the last two years, to dispense with the results of this enormous amount of labor; but it must be remembered, that a great share of the present Northern prosperity is built upon the hope of reaping immense rewards from the future productions of that labor. As far as the Southern States are concerned, however, they would be totally ruined and helplessly laid waste for an infinite number of years, if such a policy were resolved upon and could be carried out. To expect any diminution of the ruin from the influx of European emigration, would be vain, for the Northern States will continue to absorb it almost exclusively for a large number of years, unless all appearances deceive us. The disasters which must

necessarily follow such a proposed depopulation are, however, so immense, and arise so vividly before the eye upon a moment's reflection, while history has also furnished us with so many examples of the deplorable effects resulting from similar experiments, that we feel safe in at once dismissing the whole project as impossible. It has also been proposed, to drive the entire colored population of the Southern States into one of these States, and thus to form a sort of colony of negroes within this republic. This proposition is open to the same moral, legal, and financial objections as the former one, except that the one State selected would be exempted from the general ruin; it is equally impracticable as far as the mode of transportation, etc., is concerned, though the political problem, which it presents, might be capable of an easy solution. It must therefore be likewise discarded as altogether out of the question.

We have thus arrived at one certain result of our reflections: The negroes must remain in this country, and in the States where they reside, nor can they be, when free, excluded from residence in any State, since the Constitution especially provides, that the citizens of one State shall enjoy all the privileges and immunities of citizens of the several States. This point, once determined, the question reduces itself to this shape: What shall be the status of the negroes in the States where they reside? And this question is so involved with the other question: What shall be the status of the Southern States when they return to the Union? that we propose to consider the latter first.

### The Reconstruction of the Union.

We may as well clear the way for this intricate question by noticing the only solution heretofore proposed, and which, as it comes from the friends of the rebels and of slavery, is sure to present their argument in its most exhaustive shape. This proposition is as follows:

As soon as the several States through their respective Legislatures, apply for readmission into the Union, Congress must admit their Representatives and Senators to seats; their acts of secession having been illegal from the beginning, are void in themselves, and the States return in the same condition they held prior to the war.

The President's emancipation proclamation then becomes in-

operative, slavery assumes its former position, and the Court may decide whether the liberated slaves are free, or whether the respective Southern States may demand their return under the fugitive slave law. It seems almost superfluous to argue such a preposterous proposition, the more so as it is in itself impossible.

If we have freely admitted that a State can not be wiped out of existence without the consent of its inhabitants, it is on the other hand equally true, and moreover a fact, that all the States in rebellion against the Government—the people of which States have so rebelled through their Legislatures or Conventions, the actions of which bodies no part of the people has repudiated—are subject to the military power of the United States, which power, by the laws of war and common sense and under the Constitution holds those insurrectionary districts under subjugation until all danger of a reoccurrence is done away with; a circumstance which it rests with the loyal people of the loyal States to decide upon. What more absurd than to assume, that a rebellious State, Illinois, for instance, could at any moment rebel and within a few months stop the rebellion and send Representatives to Congress, and then rebel again—after the United States troops had been removed, and so on, all the rest of the States being powerless to force it to give guarantees, or to hold it under military rule as long as necessary in their opinion? What if that rule were applied to individual criminals?

Congress is especially intrusted with the power in certain cases of fixing the times, manner, and places, where elections for Congressional representatives are to be held in the States. (See iv. art. 1.) This power is applicable to the very condition in which the rebel States are at present. Under this constitutional power, and with a military possession of the States, Congress may make such laws as will secure justice to the States as well as to the country at large, at the earliest practicable moment. Congress has the power to decide on the "elections, returns, and qualifications of its own members." Hence Congress may aptly reject any members elected in rebel States by rebels under a rebel State government, and may postpone the elections until such a period as it thinks proper, when it will have to fix the "time, manner, and places" for each State, as it may see fit. Oaths can be prescribed and in many ways the election of loyal members by loyal citizens can be secured. It may, for instance, be deemed just and expedient to endow all the blacks with the right of the elective

franchise. As for the President's proclamation, we have already declared, that no State act of any kind can render it inoperative, nor can a Court decision reenslave free men. It will be noticed, that we consider the status of the rebel States after the end of the war as indefinable and varied, to be settled by Congress and according to circumstances, and the contingencies of the future. In the same way, that we hold the rebel States at present, and constitutionally under military rule, we can hold them hereafter; and circumstances must decide when any of the States may be safely reentitled to congressional representation. The "When" it is, of course, impossible to determine beforehand. The temper of the Southern people is so unknown to us; the age, in which we live, is so "fast," to use a slang expression, that all the precedents of former similar experiences are lost upon us. Thus it is not improbable that a "radical," anti-slavery, abolition party may be successfully started in every slave State, with the same result as in Missouri, while we must neither be disappointed, if the Southern people remain firm in their deadly hostility to us. At present it is altogether uncertain, whether it will be five or fifteen years before every rebellious State can be again represented in Congress. Until that time military rule is a "fact" in the Southern States, and no party clamor or demagogical denunciations can change it. The existing State Legislatures in the rebellious States may be tolerated by the military power, or they may be removed. If they are removed, Congress can order elections for new State governments, whenever it is considered just and expedient.

### The Negro Question.

The question, then, is now: What should be the status of the liberated slaves in those States, during the military rule and afterwards? The two chief objects are: to secure the freedom of these negroes, and to retain their labor in the Southern States, where it can not be replaced.

We suggest the following programme:

Let each State be erected into a military department, with a proportionate number of sub-departments. Detachments of troops at the proper military points to quench disturbances. In each sub-department a list of all the slaves should be carefully prepared; their freedom papers made out and given them; and it

should be left entirely to their own will, whether they choose to remain with their masters or to live independently. Those who preferred the latter course should receive a certain amount of land for cultivation, on a homestead law basis; while those who desired to remain with their masters should be permitted to do so, on a fixed agreement drawn up between the master and the servant, in which the master must acknowledge the liberty of his former slave, and agree to pay the servant a certain remuneration per annum as long as the servant may choose to remain with him. It should also be stipulated that the blacks be permitted to go to schools in certain months of the year; and while schools ought to be erected for the especial use of the blacks by military authority, the children of the negroes should be forced to attend them regularly.

This perhaps comprises every thing that is essential; less, at least, can not secure peace and early prosperity. The blacks, receiving this education and under the influence of liberty, will soon be qualified not merely to be "inhabitants" of the State, but to be made participants in the progress of the State and National Governments. Of course, as soon as the slaves are emancipated, they can not be excluded from political action; the distinction of color ceases altogether and forever. Thus, by the right of voting, they will be made useful to check any future tendencies of a rebellious character amongst their former masters, and become the guarantees of an eternal Union. Soon the prejudice of race will receive its death-blow, as the prejudice of nationality has died out, and under the united care of the negroes, the mulattoes, and whites, the South will become a far more prosperous territory than it ever could be under the influence of slavery. If cotton be not raised as cheap again, neither will there cling a curse to that traffic, and the fertile ground of the Southern States will find products far more advantageous for all human kind. As for the guerrilla spirit, which desolates Missouri, Tennessee, and Kentucky, that is but a creation of the deplorable Border State policy, which has ruled those States; in the far removed Southern States, under strict military rule, amidst large plantations, little need be feared from it. The liberated blacks will be fully able to protect themselves against the whites that remain, and the cursed spirit of superiority and disdainful pride once thoroughly eradicated from the upgrowing population of the South, a healthy state of public opinion may eventually even develop itself amongst the former slaveholders,

while the non-slaveholders will doubtless soon form in every Southern State an anti-slavery, abolition party, and from the former advocates of oppression change suddenly into inspired apostles of freedom. By the natural progress of affairs they will receive the control of the first loyal State governments—a powerful incentive!—and their interest, as well as that of the country at large, will be promoted by evincing the earliest sympathy with the negroes, and helping them onward on the road to universal progress.

### A National Convention.

The idea of a national convention has been repeatedly suggested as a solution of all our troubles and dissensions. From whatever quarter this idea has been thrown out, it has always been framed so as to wear the appearance of a proposition to call together a national convention of delegates from the Southern as well as the Northern States. But this stamps the whole project at once as preposterous nonsense.

It is absurd to think of the delegates of the loyal people of the North, the victors, meeting on equal terms with the delegates of the rebels of the South, the subjugated! This the Southern States of course have no right to demand. They are rebels, and by no temporary submission, pleas, and prayers can they withdraw themselves from the punishment of their crime. To pronounce this punishment belongs to the loyal people of the loyal States. That people may be generous, may be content with the emancipation of the slaves, the death of the principal leaders of the rebellion, and a military rule for a short time; but to grant a full pardon, to admit delegates from the Southern rebel States to seats and votes in a national convention, to discuss with them on equal terms the provisions of a new constitution, or a reconstruction of the Union—this would be no less than downright insanity. Words are thrown away on such an absurd idea.

But to hold a national convention of delegates from the loyal States alone appears useless. The Constitution needs no amendments so very urgently, none at least that can not as well wait even twenty years, until the Union *is* reconstructed, and until every rebellious State has become loyal and republican. Let us first fulfill the task intrusted to us; let us restore the regenerated Union, a Union of free States; let us eradicate the prejudices of race, color, nationality, and caste; let us call into existence every-

where a healthy, republican, law-abiding, tolerant spirit; and when the dawn of the new era is upon us, then we may again meet together in a national convention, if so it is considered necessary, and frame whatever amendments the progress of the future will demand of the Constitution of the United States.

### European Intervention.

Time, which roots out so many prejudices, must destroy one more illusion, which has taken violent possession of the American mind. Because at the time of Washington, when this huge republic was still in its infancy, not yet fully recovered from its struggle for independence, it was considered necessary to abstain altogether from interference in European affairs, it has become almost canonical to worship what is usually styled Non-Intervention. Our people have grown to consider themselves a political Japan, at liberty to disregard the struggles of foreign nations for freedom, and unwilling to express any national opinion on the struggles that convulse the rest of the world. A spirit of pride and arrogance has tended to promote the growth of this sentiment, and with astonishment the friends of this republic in the Old World have seen our nation seek an ally, not in the liberal and revolutionary elements in Europe, but in the worst despotism which disgraces that continent—in Russia. This unnatural, suicidal policy can not be pursued much longer. As is often the case in history, our people are being forced by circumstances to adopt a course of action which should have been their secret guiding-star by voluntary choice.

The interference of France in the affairs of this country, in Mexico, will necessarily force our nation into that policy which justice and humanity demand. Not into an alliance with despotic Russia—the despots of Russia and France, as well as the despots of all nations, care more about each other than about a free people, and will never see a fellow-despot too severely handled;—not in a criminal oppression of Poland, in which this Republic would become a disgraced participator, but in a natural and friendly alliance with the revolutionary elements of Europe must we seek for the weapons wherewith to strike that audacious enemy, who has planted his foot on the soil of this continent. Let the people learn to know that no despot can be our friend for any length of time. The antagonism of principle must sooner or later force us into a position of hostility. Their interest it is to crush this Re-

public and wipe it from the face of the earth ; and an Alexander will rejoice at heart if a Napoleon raises a monarchy on the shattered republic of Mexico and the nameless monster of the Confederate States. Our interest it is, to have the despotisms wiped away. It is an everlasting principle of free governments, that no republic is safe until all adjoining states are republican. The laws of nature, of polities, of self-preservation, force a people to become just and cosmopolitan, even against their choice. This world is a world of brothers ; no nation has a right to be indifferent to the progress of another. A progressive people is interested in promoting the progress of all ; and despotism is notorious for its proselyting fanaticism. We have done wrong to remain so long passive spectators of the liberal strivings in Mexico. We perceive the fault now, but it may take a long war to remedy it. May God grant that when the time comes, and the European revolution offers us its help to crush out the monster of French despotism, we do not commit the same crime again. It is our duty, our interest, it is a solemn law of God, that we should sympathize and extend aid to the down-trodden of Europe, now that we are strong and vigorous, and when we are moreover threatened by the enemies of those oppressed people. We have no bitterer enemy than the Emperor of France ; we have only friends among the revolutionary people of Europe : their alliance we should seek. And, though time may prepare events slowly, a day will surely come when the free people of this Republic will look with pride to a brotherhood of free nations on the other side of the Atlantic, whose freedom and independence we helped to attain.

#### Concluding Remarks.

We have thus sought to trace out in a short sketch, which must be necessarily very imperfect, those points on which a radical and progressive party must build its platform for the next future government of this country. This is what justice requires, and what the voice of the people, which always represents justice, must approve. Nor can there be any doubt that these views could be realized, were it not that the people are unfortunately too much in the hands of professional politicians and wire-pullers, who usurp the sovereign rights of the people, frame platforms to suit their own tastes and interests, and nominate candidates only as personal feeling, interest, and expediency may suggest.

In the political contest before us—the next Presidential election—there can be but two chief parties: the one, the Democratic, representing reaction, stagnation, death of our republican institutions; and the other, representing the above traced-out principles of progress and improvement. On the question of so-called “constitutional rights,” there may be harmony between different elements of the two parties; on the “negro question,” they are separated by an impassable gulf.

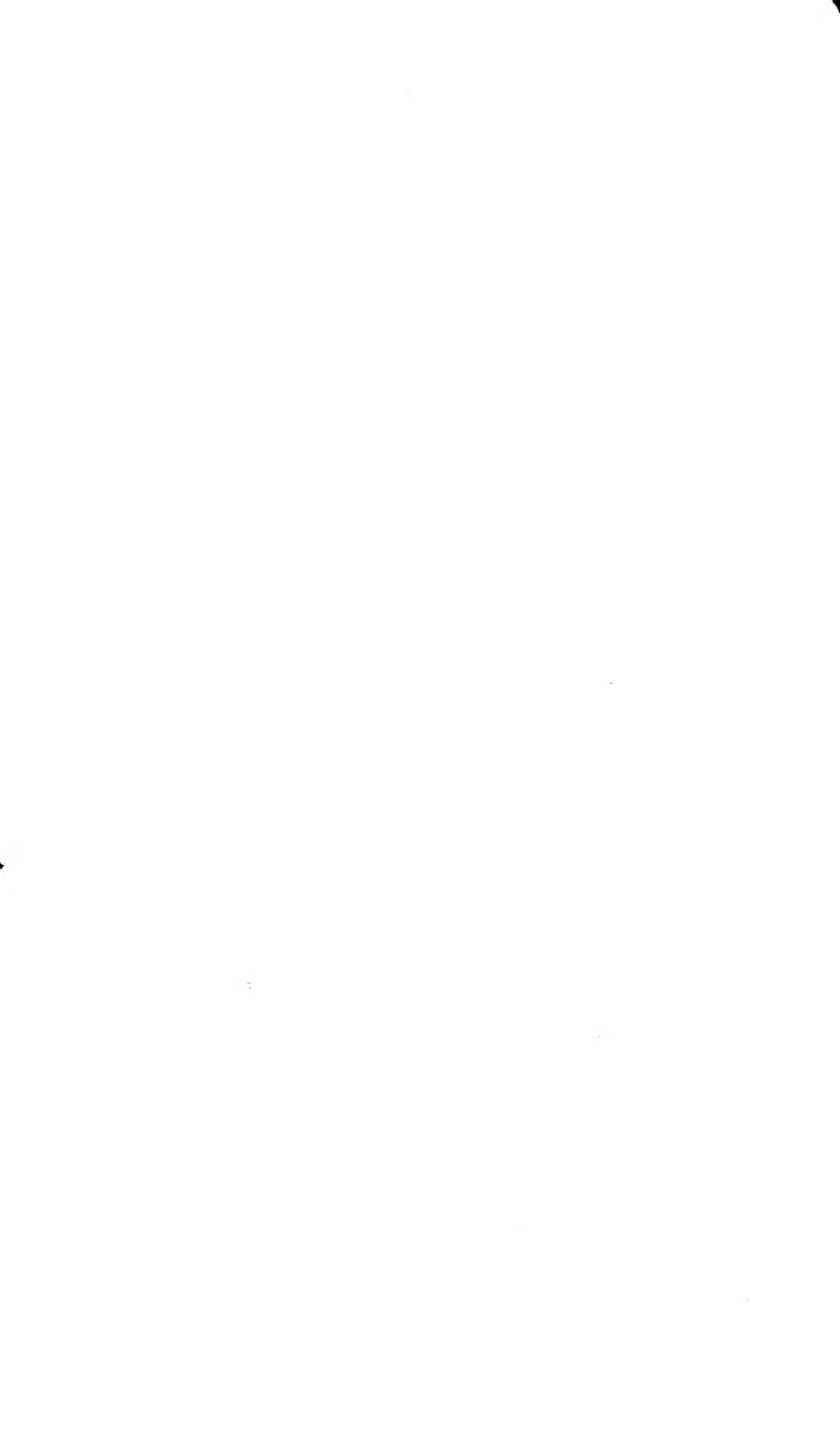
The issue should therefore be clearly and unmistakably pronounced. The platform can not be too explicit on the above points; and the leader, the Presidential candidate, must be a recognized champion of those principles of liberty and progress. To effect this, and prevent the ascendancy of “conservative” milk-and-water elements, is the duty of the people. They can do it no better than by organizing in clubs and progressive societies over the whole country; by coming together and consulting about the future of the nation, what it ought to be and what they are determined to make it. Let them look amongst the men of the nation and see who offers the surest guarantee of the realization of their desires; who has denounced the despotic acts of the present Government, while he is also the first advocate of universal and immediate emancipation. Let them inquire whose election would be the severest rebuke to the present Administration, while it would also be the surest bond for the new era of universal liberty, which we feel dawning upon us. And when they have found this man, and are convinced that he has also that sympathy for the liberal strivings in Europe, which to us may be so important, then let the people pronounce for this man in such thunder-tones as no politicians or wire-pullers can and dare disregard.











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